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UNCLAS PANAMA 000672

SIPDIS

SENSITIVE

DEPARTMENT FOR CA/OCS IAN GRAY, WHA/CEN, WHA/CCA

E.O. 12958: N/A

TAGS: CASC CJAN SNAR PHUM CU PM NOVO GUILLERMO REMON PEDRO JIMENEZ GASPAR CONSULAR AFFAIRS

SUBJECT: FATE OF ANTI-CASTRO CUBAN AMERICANS IN THE HANDS OF JUDGE

REF: (A) 03 PANAMA 2382
(B) 03 PANAMA 2215
(C) 03 PANAMA 722

11. NAME: NOVO, GUILLERMO; REMON, PEDRO; JIMENEZ, GASPAR

12. SEX: MALE

13. DOPB: JUNE 08, 1939, CUBA; SEPTEMBER 13, 1944, CUBA;
OCTOBER 06, 1935, CUBA

123. (SBU) REMARKS: After nearly three and one-half years of incarceration, prosecutors and defense attorneys completed the arguments stage on March 17, and the fate of three Cuban-Americans, charged with conspiracy, possession of explosives, endangering public security and falsification of documents, all in connection with an alleged plot to kill Fidel Castro during a November 2000 Ibero-American summit, is in the hands of a judge. Anti-Castro activists Guillermo Novo (Sampoll), Pedro Crispin (Remon) and Gaspar Jimenez (Escobedo), along with the alleged ringleader, Cuban-born Luis Posada Carriles, believed to be stateless, await a verdict. A guilty sentence on these counts could amount to between six to fifteen years for the different charges.

Alternate Judge Jose Ho Justiniani presided over this trial, and promises a verdict within 10-30 days, the normal time under law. However, given the fact that there are about 21,000 pages of legal information presented, he could ask for an additional few weeks to read the evidence. He promises a fair verdict, and did in fact keep the court in order, not tolerating any interference or interruptions in this drawn out controversial case. (Note: In fact, the planned five-day arguments stage ended earlier than expected, on March 17. Conoffs had planned to attend part of the trial on March 18 or March 19. End note.) This case has long generated passions on both sides: family, friends and supporters of these Cuban Americans, and Cuban Embassy officials, pro-Castro student and labor groups, as well as the families of the victims of these defendants' alleged past crimes on the other side, along with reporters and spectators.

The Public Ministry alleges that the four defendants conspired to kill Castro at a University of Panama reception. Several labor and student organizations, Castro's hosts for the event, have also filed private criminal charges. The lead prosecutor is aided by several private prosecutors, some of who are prominent leftist Panamanian attorneys working on a pro bono basis. The prosecution states that the accused have long records of violent opposition not only to Castro's regime, but to American citizens, ordinary Cubans, and people from other countries as well. Prosecutors linked the defendants to a long string of attacks and killings in the past. In mid 2002, the most serious charge, attempted murder, was dropped due to insufficient evidence. The nearly three-year wait to proceed with trial is not unusual in the extremely slow Panamanian judicial system, where over half of all prisoners are pre-trial detainees, and often are held under this status for more time than the penalty would have been for the original crime.

The defendants' lead attorney is former Panamanian Attorney General Rogelio Cruz, who reportedly also has access to a defense committee in Miami. The Cuban Americans state that they were lured to Panama by a false report that a top Cuban intelligence officer wanted to defect during Castro's visit and needed their assistance, and that once they were here Castro's agents planted the explosives on them and tipped off Panamanian police. Cruz expressed confidence about the

outcome both publicly and privately in a conversation with Consular FSN. He even inquired about Embassy travel documents/passports, evidently anticipati